



# House of Representatives

## File No. 591

General Assembly

February Session, 2022

**(Reprint of File No. 273)**

Substitute House Bill No. 5234  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 22, 2022

### **AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) As used in this section,  
2 "walk-through" means a joint physical inspection of the dwelling unit  
3 by the landlord and the tenant, or their designees, for the purpose of  
4 noting and listing any observed conditions within the dwelling unit. On  
5 and after January 1, 2023, upon or after the entry into a rental agreement  
6 but prior to the tenant's occupancy of a dwelling unit, a landlord shall  
7 offer such tenant the opportunity to conduct a walk-through of the  
8 dwelling unit. If the tenant requests such a walk-through, the landlord  
9 and tenant, or their designees, shall use a copy of the preoccupancy  
10 walk-through checklist prepared by the Commissioner of Housing  
11 under subsection (c) of this section. The landlord and the tenant, or their  
12 designees, shall specifically note on the walk-through checklist any  
13 existing conditions, defects or damages to the dwelling unit present at  
14 the time of the walk-through. After the walk-through, the landlord and

15 the tenant, or their designees, shall sign duplicate copies of the walk-  
16 through checklist and each shall receive a copy.

17 (b) Upon the tenant's vacating of the dwelling unit, the landlord may  
18 not retain any part of the security deposit collected under chapter 831 of  
19 the general statutes or seek payment from the tenant for any condition,  
20 defect or damage that was noted in the preoccupancy walk-through  
21 checklist. Such walk-through checklist shall be admissible, subject to the  
22 rules of evidence but shall not be conclusive, as evidence of the  
23 condition of the dwelling unit at the beginning of a tenant's occupancy  
24 in any administrative or judicial proceeding.

25 (c) Not later than December 1, 2022, the Commissioner of Housing  
26 shall (1) prepare a standardized preoccupancy walk-through checklist  
27 for any landlord and tenant to use to document the condition of any  
28 dwelling unit during a preoccupancy walk-through under subsection  
29 (a) of this section, and (2) make such checklist available on the  
30 Department of Housing Internet web site.

31 (d) The provisions of this section shall not apply to any tenancy under  
32 a rental agreement entered into prior to January 1, 2023.

33 Sec. 2. (NEW) (*Effective October 1, 2022*) (a) As used in this section,  
34 "tenant screening report" means a credit report, a criminal background  
35 report, an employment history report, a rental history report, or any  
36 combination thereof, used by a landlord to determine the suitability of  
37 a prospective tenant.

38 (b) No landlord may demand from a prospective tenant any  
39 payment, fee or charge for the processing, review or acceptance of any  
40 rental application, or demand any other payment, fee or charge before  
41 or at the beginning of the tenancy, except a security deposit pursuant to  
42 section 47a-21 of the general statutes or a tenant screening report as  
43 provided by subsection (c) of this section.

44 (c) Any landlord may charge a fee or fees to reimburse costs  
45 associated with conducting a tenant screening report, provided the

46 cumulative fee for such tenant screening report is no more than the  
47 actual cost of the tenant screening report, and the landlord shall waive  
48 any such fee if the prospective tenant provides a copy of a tenant  
49 screening report that is satisfactory to the landlord and that was  
50 conducted within thirty days of the tenant's rental application. A  
51 landlord may not collect such fee or fees unless the landlord provides  
52 the prospective tenant with a copy of the tenant screening report and a  
53 copy of the receipt or invoice from the entity conducting the tenant  
54 screening report concerning the prospective tenant.

55 Sec. 3. Section 47a-23c of the general statutes is repealed and the  
56 following is substituted in lieu thereof (*Effective October 1, 2022*):

57 (a) (1) Except as provided in subdivision (2) of this subsection, this  
58 section applies to any tenant who resides in a building or complex  
59 consisting of five or more separate dwelling units or who resides in a  
60 mobile manufactured home park and who is either: (A) Sixty-two years  
61 of age or older, or whose spouse, sibling, parent or grandparent is sixty-  
62 two years of age or older and permanently resides with that tenant, or  
63 (B) a person with a physical or mental disability, as defined in  
64 subdivision (8) of section 46a-64b, or whose spouse, sibling, child,  
65 parent or grandparent is a person with a physical or mental disability  
66 who permanently resides with that tenant, but only if such disability can  
67 be expected to result in death or to last for a continuous period of at least  
68 twelve months.

69 (2) With respect to tenants in common interest communities, this  
70 section applies only to (A) a conversion tenant, as defined in subsection  
71 (3) of section 47-283, who (i) is described in subdivision (1) of this  
72 subsection, or (ii) is not described in subdivision (1) of this subsection  
73 but, during a transition period, as defined in subsection (4) of section 47-  
74 283, is residing in a conversion condominium created after May 6, 1980,  
75 or in any other conversion common interest community created after  
76 December 31, 1982, or (iii) is not described in subdivision (1) of this  
77 subsection but is otherwise protected as a conversion tenant by public  
78 act 80-370, and (B) a tenant who is not a conversion tenant but who is

79 described in subdivision (1) of this subsection if his landlord owns five  
80 or more dwelling units in the common interest community in which the  
81 dwelling unit is located.

82 (3) As used in this section, "tenant" includes each resident of a mobile  
83 manufactured home park, as defined in section 21-64, including a  
84 resident who owns his own home, "landlord" includes a "licensee" and  
85 an "owner" of a mobile manufactured home park, as defined in section  
86 21-64, "complex" means two or more buildings on the same or  
87 contiguous parcels of real property under the same ownership, and  
88 "mobile manufactured home park" means a parcel of real property, or  
89 contiguous parcels of real property under the same ownership, upon  
90 which five or more mobile manufactured homes occupied for  
91 residential purposes are located.

92 (b) (1) No landlord may bring an action of summary process or other  
93 action to dispossess a tenant described in subsection (a) of this section  
94 except for one or more of the following reasons: (A) Nonpayment of  
95 rent; (B) refusal to agree to a fair and equitable rent increase, as defined  
96 in subsection (c) of this section; (C) material noncompliance with section  
97 47a-11 or subsection (b) of section 21-82, which materially affects the  
98 health and safety of the other tenants or which materially affects the  
99 physical condition of the premises; (D) voiding of the rental agreement  
100 pursuant to section 47a-31, or material noncompliance with the rental  
101 agreement; (E) material noncompliance with the rules and regulations  
102 of the landlord adopted in accordance with section 47a-9 or 21-70; (F)  
103 permanent removal by the landlord of the dwelling unit of such tenant  
104 from the housing market; or (G) bona fide intention by the landlord to  
105 use such dwelling unit as his principal residence.

106 (2) The ground stated in subparagraph (G) of subdivision (1) of this  
107 subsection is not available to the owner of a dwelling unit in a common  
108 interest community occupied by a conversion tenant.

109 (3) A tenant may not be dispossessed for a reason described in  
110 subparagraph (B), (F) or (G) of subdivision (1) of this subsection during

111 the term of any existing rental agreement.

112 (c) (1) The rent of a tenant protected by this section may be increased  
113 only to the extent that such increase is fair and equitable, based on the  
114 criteria set forth in section 7-148c.

115 (2) Any such tenant aggrieved by a rent increase or proposed rent  
116 increase may file a complaint with the fair rent commission, if any, for  
117 the town, city or borough where his dwelling unit or mobile  
118 manufactured home park lot is located; or, if no such fair rent  
119 commission exists, may bring an action in the Superior Court to contest  
120 the increase. In any such court proceeding, the court shall determine  
121 whether the rent increase is fair and equitable, based on the criteria set  
122 forth in section 7-148c.

123 (d) A landlord, to determine whether a tenant is a protected tenant,  
124 as described in subdivision (1) of subsection (a) of this section, may  
125 request proof of such protected status. On such request, any tenant  
126 claiming protection shall provide proof of the protected status within  
127 thirty days. The proof shall include a statement of a physician or an  
128 advanced practice registered nurse in the case of alleged blindness or  
129 other physical disability.

130 (e) (1) On and after January 1, 2023, whenever a dwelling unit located  
131 in a building or complex consisting of five or more separate dwelling  
132 units or in a mobile manufactured home park is rented to, or a rental  
133 agreement is entered into or renewed with, a tenant, the landlord of  
134 such dwelling unit or such landlord's agent shall provide such tenant  
135 with written notice of the provisions of subsections (b) and (c) of this  
136 section in a form as described in subdivision (2) of this subsection.

137 (2) Not later than January 1, 2023, the Commissioner of Housing shall  
138 create a notice which shall be used by landlords, pursuant to  
139 subdivision (1) of this subsection, to inform tenants of the rights  
140 provided to protected tenants under subsections (b) and (c) of this  
141 section. Such notice shall be a one-page, plain-language summary of  
142 such rights and shall be available in languages other than English, as

143 determined by the commissioner. Not later than January 1, 2023, such  
144 notice shall be posted on the Department of Housing Internet web site.

145 Sec. 4. Section 47a-1 of the 2022 supplement to the general statutes is  
146 repealed and the following is substituted in lieu thereof (*Effective October*  
147 *1, 2022*):

148 As used in this chapter, sections 1 and 2 of this act and sections 47a-  
149 21, 47a-23 to 47a-23c, inclusive, as amended by this act, 47a-26a to 47a-  
150 26g, inclusive, 47a-35 to 47a-35b, inclusive, 47a-41a, 47a-43 and 47a-46  
151 and section 47a-7b:

152 (a) "Action" includes recoupment, counterclaim, set-off, cause of  
153 action and any other proceeding in which rights are determined,  
154 including an action for possession.

155 (b) "Building and housing codes" include any law, ordinance or  
156 governmental regulation concerning fitness for habitation or the  
157 construction, maintenance, operation, occupancy, use or appearance of  
158 any premises or dwelling unit.

159 (c) "Dwelling unit" means any house or building, or portion thereof,  
160 which is occupied, is designed to be occupied, or is rented, leased or  
161 hired out to be occupied, as a home or residence of one or more persons.

162 (d) "Landlord" means the owner, lessor or sublessor of the dwelling  
163 unit, the building of which it is a part or the premises.

164 (e) "Owner" means one or more persons, jointly or severally, in whom  
165 is vested (1) all or part of the legal title to property, or (2) all or part of  
166 the beneficial ownership and a right to present use and enjoyment of the  
167 premises and includes a mortgagee in possession.

168 (f) "Person" means an individual, corporation, limited liability  
169 company, the state or any political subdivision thereof, or agency,  
170 business trust, estate, trust, partnership or association, two or more  
171 persons having a joint or common interest, and any other legal or  
172 commercial entity.

173 (g) "Premises" means a dwelling unit and the structure of which it is  
174 a part and facilities and appurtenances therein and grounds, areas and  
175 facilities held out for the use of tenants generally or whose use is  
176 promised to the tenant.

177 (h) "Rent" means all periodic payments to be made to the landlord  
178 under the rental agreement.

179 (i) "Rental agreement" means all agreements, written or oral, and  
180 valid rules and regulations adopted under section 47a-9 or subsection  
181 (d) of section 21-70 embodying the terms and conditions concerning the  
182 use and occupancy of a dwelling unit or premises.

183 (j) "Roomer" means a person occupying a dwelling unit, which unit  
184 does not include a refrigerator, stove, kitchen sink, toilet and shower or  
185 bathtub and one or more of these facilities are used in common by other  
186 occupants in the structure.

187 (k) "Single-family residence" means a structure maintained and used  
188 as a single dwelling unit. Notwithstanding that a dwelling unit shares  
189 one or more walls with another dwelling unit or has a common parking  
190 facility, it is a single-family residence if it has direct access to a street or  
191 thoroughfare and does not share heating facilities, hot water equipment  
192 or any other essential facility or service with any other dwelling unit.

193 (l) "Tenant" means the lessee, sublessee or person entitled under a  
194 rental agreement to occupy a dwelling unit or premises to the exclusion  
195 of others or as is otherwise defined by law.

196 (m) "Tenement house" means any house or building, or portion  
197 thereof, which is rented, leased or hired out to be occupied, or is  
198 arranged or designed to be occupied, or is occupied, as the home or  
199 residence of three or more families, living independently of each other,  
200 and doing their cooking upon the premises, and having a common right  
201 in the halls, stairways or yards.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2022</i>	New section
Sec. 2	<i>October 1, 2022</i>	New section
Sec. 3	<i>October 1, 2022</i>	47a-23c
Sec. 4	<i>October 1, 2022</i>	47a-1



The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Department of Housing	GF - Potential Cost	Minimal	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Commissioner of Housing to create a one-page notice of certain tenants' rights and to provide it in languages other than English, as determined by the Commissioner, on the Department of Housing (DOH) website. To the extent additional language versions are provided, there is a cost to DOH of approximately \$500 per language for translation services. There is no cost to DOH to prepare a standardized preoccupancy walk-through checklist and to post it on the agency's website.

The bill also makes other changes impacting landlords and residential tenants that have no fiscal impact because the state is not a direct landlord.

House "A" strikes provisions permitting a landlord to accept damage insurance in lieu of a security deposit, eliminating the potential revenue gain from insurance premium taxes, and makes other changes with no fiscal impact.

**The Out Years**

There is no fiscal impact in the out years.

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**OLR Bill Analysis****sHB 5234 (as amended by House "A")\******AN ACT CONCERNING THE RIGHTS AND RESPONSIBILITIES OF LANDLORDS AND TENANTS.*****SUMMARY**

This bill makes a number of changes in laws about landlords and tenants.

Beginning January 1, 2023, the bill requires landlords to give tenants the opportunity to request and complete a pre-occupancy “walk-through” of a dwelling unit after or at the time of entering into a rental agreement. The bill prohibits a landlord from keeping any portion of a tenant’s security deposit or seeking payment for conditions specifically identified during the walk-through. Rental agreements entered into before January 1, 2023, are exempt from the bill’s walk-through requirements.

The bill limits rental application-related fees that landlords may demand from prospective tenants to reimbursements for tenant screening reports. It requires landlords to (1) provide tenants with these reports and a receipt or invoice and (2) waive the fee if the prospective tenant provides a recent tenant screening report that is satisfactory to the landlord.

Beginning January 1, 2023, the bill requires landlords to provide tenants with a written Department of Housing (DOH) notice summarizing the rights of protected tenants (i.e., certain tenants at least age 62 or with a disability) whenever they rent, or enter or renew an agreement to rent, certain dwelling units.

Finally, the bill makes technical and conforming changes.

\*House Amendment "A" (1) eliminates provisions (a) allowing landlords to accept damage insurance coverage in place of traditional security deposits and (b) requiring landlords to provide eligible tenants with voter registration applications; (2) advances the deadline by which DOH must prepare a pre-occupancy walk-through checklist; (3) eliminates the \$20 cap on screening report reimbursement fees; (4) expressly exempts security deposits from the underlying bill's limitations on rental application-related fees; and (5) requires landlords of certain dwelling units to provide information about protected tenants' rights to all tenants, rather than only protected tenants.

EFFECTIVE DATE: October 1, 2022

### **§ 1 — PRE-OCCUPANCY WALK-THROUGHS**

Beginning January 1, 2023, the bill requires landlords to give tenants the opportunity to request and complete a pre-occupancy "walk-through" of a dwelling unit after or at the time of entering into a rental agreement.

Under the bill, a "walk-through" means a joint, in-person inspection of a dwelling unit by the landlord and tenant or their designees to note and list the unit's existing conditions, defects, or damages using a DOH checklist. The bill requires the DOH commissioner to prepare this standardized, pre-occupancy walk-through checklist and make it available on DOH's website by December 1, 2022. Following a walkthrough, landlords and tenants or their designees must each sign and receive duplicate copies of the checklist.

When a tenant vacates the dwelling unit, the bill prohibits a landlord from keeping any portion of a tenant's security deposit or seeking payment for a condition, defect, or damage noted in the preoccupancy walk-through checklist. In administrative or judicial proceedings, this checklist is admissible, subject to the rules of evidence, but not conclusive, as evidence of the unit's condition at the beginning of a tenant's occupancy.

## **§ 2 — LIMITS ON APPLICATION FEES FOR PROSPECTIVE TENANTS**

The bill prohibits landlords from requiring prospective tenants to pay rental application-related fees or make any other payments before or at the start of tenancy unless the fee is for a tenant screening report (or security deposit). Under the bill, a “tenant screening report” means a credit report, a criminal background report, an employment history report, a rental history report, or any combination of these that a landlord uses to determine a prospective tenant’s suitability.

The bill allows landlords to charge prospective tenants a fee or fees to reimburse costs associated with conducting a tenant screening report, if the cumulative fee does not exceed the actual cost of the report. Additionally, the bill requires landlords to waive the tenant screening report fee if a prospective tenant provides a copy of a tenant screening report that (1) is satisfactory to the landlord and (2) was conducted within 30 days of the tenant’s rental application.

## **§ 3 — REQUIRED NOTICE OF PROTECTED TENANT STATUS**

By law, certain tenants have additional protections against evictions and rent increases (see below). These “protected tenants” generally include those residing in dwelling units in buildings or complexes consisting of five or more separate units or mobile manufactured home parks who are (1) at least age 62 or (2) individuals with disabilities. Beginning January 1, 2023, the bill requires landlords or their agents to provide a written DOH notice summarizing these protections to any tenant that rents, or enters or renews an agreement to rent, one of the units described above.

Existing law, unchanged by the bill, prohibits protected tenants from being evicted solely for their lease expiring (i.e., lapse of time). It also requires that their rent only be increased by an amount that is fair and equitable and allows those aggrieved by a rent increase, and residing in a municipality without a fair rent commission, to bring action to contest the increase in Superior Court.

Under the bill, the DOH commissioner must create the one-page, plain-language summary of protected tenants’ rights and post it on the department’s website by January 1, 2023. The bill requires that the notice be available in other languages in addition to English, as determined by the commissioner.

**BACKGROUND**

***Related Bill***

HB 5233 (File 107), favorably reported by the Housing Committee, extends protections available to “protected tenants” to all tenants in those buildings.

**COMMITTEE ACTION**

Housing Committee

Joint Favorable Substitute

Yea 15    Nay 0    (03/15/2022)